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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/668,042	09/21/2000	Steven M. Gootter	100281-10200	9076

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EXAMINER

EDELL, JOSEPH F

ART UNIT	PAPER NUMBER
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3636

DATE MAILED: 02/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/668,042

Applicant(s)

GOOTTER ET AL.

Examiner

Joseph F Edell

Art Unit

3636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 November 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,5-8,11 and 12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,5-8,11 and 12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. The declaration filed on 12 November 2003 under 37 CFR 1.131 is sufficient to overcome the U.S. Patent No. 6,213,553 B1 to Fitz reference.

Claim Objections

2. Claim 7 is objected to because of the following informalities: "interconnect interconnects" (line 3) should read "interconnects". Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 7 recites the limitation "the base" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 3636

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3, 6, 11, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,228,796 to Kao in view of DE Publ. No. 195 47 964 A1 to Fitz.

Kao shows a quick release mounting arrangement that is basically the same as that recited in claims 3, 6, 11, and 12 except that arrangement lacks a resilient biasing member, as recited in the claims. See Figures 1-4 of Kao for the teaching that the quick release mounting arrangement has a seat receiving structure 6, 6' (Fig. 1) having U-shaped forward and rearward latching portions 61, 61' (Fig. 1) with an intermediate region which is adapted to support and receive a pair of elongate members 7, 7' (Fig. 1) that form part of the seat; a lever-operated rotatable locking element 12 (Fig. 1) rotatably supported on the seat receiving structure and selectively rotatable between a first position wherein engagement of between the rotatable locking element and the elongate members is absent and a second position wherein the elongate members are engaged by the rotatable locking element; and a base member 5 (Fig. 1) connected to a chassis 8 (Fig. 1) by a lever operated clamp 9 (Fig. 1) having a cam 91 (Fig. 1) forcing engagement of clamp members on the base member and chassis. Fitz ('964) discloses a mounting arrangement similar to that of Kao wherein the arrangement has a resilient biasing member 18,18',19,19',21,21' (Fig. 3) operatively interconnecting a seat receiving structure 6 (Fig. 3) and a base member 20,20' (Fig. 3) to permit pivotal movement of the seat receiving structure with respect to the base member. Therefore,

it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the quick release mounting arrangement of Kao such that a resilient biasing member operatively interconnects the seat receiving structure to the base member, such as the mounting arrangement disclosed by Fitz ('964). One would have been motivated to make such a modification in view of the suggestion in Fitz ('964) that the mounting arrangement provides tilting action of the seat with respect to the base member to prevent back pain while riding.

7. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kao in view of Fitz ('964) as applied to claims 6, 11, and 12 above, and further in view of U.S. Patent No. 4,772,069 to Szymiski.

Kao, as modified, discloses a quick release mounting arrangement that is basically the same as that recited in claim 5 except that the recesses in the seat receiving structure lack detents to resist movement, as recited in the claim. Szymiski shows a mounting system similar to that of Kao wherein the seat receiving structure 50 (Fig. 2) receives the elongate member 56 (Fig. 2) in a recess 46 (Fig. 2) where a detent 38 (Fig. 2) is provided to resist movement of the elongate members with a predetermined force. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the quick release mounting arrangement of Kao such that detents are provided to resist movement of the elongate members of the seat frame out of the recesses with a predetermined force, such as the mounting arrangement disclosed by Szymiski. One would have been

motivated to make such a modification in view of the suggestion in Szymiski that mounting configuration with the detent resisting movement provides a simple mechanism for easily and rapidly adjusting the longitudinal position of the seat.

8. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kao in view of Fitz ('964) as applied to claims 6, 11, and 12 above, and further in view of U.S. Patent No. 5,383,706 to Chen.

Kao, as modified, discloses a quick release mounting arrangement that is basically the same as that recited in claims 7 and 8 except that the arrangement lacks a pair of rods interconnecting the base member and chassis, as recited in the claims. Chen discloses a quick release mounting arrangement similar to that of Chen wherein the arrangement has a pair of rods 23a (Fig. 2) interconnecting the base member 20 (Fig. 2) and the chassis 22,30 (Fig 2). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the quick release mounting arrangement of Kao such that the base member has a pair of rods interconnecting the base member and the clamp on the chassis, such as the quick release mounting arrangement disclosed in Chen. One would have been motivated to make such a modification in view of the suggestion in Chen that the rod interconnection of the base member and chassis allows for easy adjustment of the seat inclination with respect to the chassis.


Response to Arguments


9. Applicant's arguments previously filed 07 March 2003 have been fully considered but they are not persuasive. Please see Office Action mailed on 13 May 2003 for response to arguments.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph F. Edell whose telephone number is (703) 605-1216. The examiner can normally be reached on Mon.-Fri. 8:30am-5:00pm.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.


JE
February 22, 2004


Peter M. Cuomo
Supervisory Patent Examiner
Technology Center 3600